

**DECLARATION AND POWER OF ATTORNEY**

**I. DECLARATION**

As a below named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name;
2. I verily believe I am the original, first and joint inventor of the invention entitled:

**FOOD PRODUCT SCALE AND RELATED IN-STORE RANDOM WEIGHT  
ITEM TRANSACTION SYSTEM WITH RFID CAPABILITIES**

as described and claimed:

- i. \_\_\_\_\_ in the attached specification; or
  - ii. \_\_\_\_\_ in the specification filed on \_\_\_\_\_ as U.S. Ser. No. \_\_\_\_\_ and amended on \_\_\_\_\_;
  - iii.   X   in the specification filed on 25 June 2004 as PCT International Application No. PCT/US2004/020571 and amended under Article 19 on \_\_\_\_\_ (if any);
3. I have reviewed and understand the contents of the above-identified specification, including the claims as filed and as amended by any amendment referred to above;
  4. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R § 1.56; and
  5. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**II. PRIORITY CLAIM**

**A. Foreign**

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed (yes or no)?
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### B. Provisional

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
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### C. U.S. Application

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) that occurred between the filing date of the prior application and the national or PCT international filing date of this application:

10/609,446	27 June 2003	Pending
Application No.	Filing Date	Status

Application No.	Filing Date	Status
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### III. POWER OF ATTORNEY

We appoint the attorneys associated with Customer No.:

**27,805**

as attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

**EACH INVENTOR SIGNING BELOW ACKNOWLEDGES THAT (1) THE APPOINTMENT OF ATTORNEYS MADE HEREIN IS FOR THE BENEFIT OF THE OWNER/ASSIGNEE OF THE INVENTION, (2) THE ATTORNEY/CLIENT RELATIONSHIP IS BETWEEN THE OWNER/ASSIGNEE AND THE APPOINTED ATTORNEYS AND (3) THIS DOCUMENT DOES**

**Name:** Nigel G. Mills  
**Residence:** 600 Winding Way, Kettering, Ohio, 45419  
**Citizenship:** U.S.A.  
**Post Office Address:** 600 Winding Way, Kettering, Ohio, 45419

**Fourth Inventor: Mark E. Eberhardt, Jr.**

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Name: Mark E. Eberhardt, Jr.  
Residence: 1780 Beechwood Drive, Troy, Ohio, 45373  
Citizenship: U.S.A.  
Post Office Address: 1780 Beechwood Drive, Troy, Ohio, 45373

#408871

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**Name:** Nigel G. Mills  
**Residence:** 600 Winding Way, Kettering, Ohio, 45419  
**Citizenship:** U.S.A.  
**Post Office Address:** 600 Winding Way, Kettering, Ohio, 45419

**Fourth Inventor: Mark E. Eberhardt, Jr.**

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Name:** Mark E. Eberhardt, Jr.  
**Residence:** 1780 Beechwood Drive, Troy, Ohio, 45373  
**Citizenship:** U.S.A.  
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**NOT ESTABLISH ANY ADDITIONAL ATTORNEY/CLIENT RELATIONSHIP BETWEEN THE APPOINTED ATTORNEYS AND THE INVENTORS PERSONALLY.**

**IV. CORRESPONDENCE**

Address all telephone calls to (513) 352-6719.

Address all written correspondence to:

Michael J. Nieberding, Esq.  
Thompson Hine LLP  
2000 Courthouse Plaza N.E.  
10 W. Second Street  
Dayton, Ohio 45402-1758.

**V. SIGNATURES**

**First Inventor: Robert J. Schuller**

Inventor's Signature xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx Date \_\_\_\_\_

Name: Robert J. Schuller  
Residence: 1914 Woodbine Court, Troy, Ohio, 45373  
Citizenship: U.S.A.  
Post Office Address: 1914 Woodbine Court, Troy, Ohio, 45373

**Second Inventor: Robert J. Weisz**

Inventor's Signature xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx Date \_\_\_\_\_

Name: Robert J. Weisz  
Residence: 84 Dewpoint Road, Thornhill, Ontario, Canada, L4J 9E1  
Citizenship: U.S.A.  
Post Office Address: 84 Dewpoint Road, Thornhill, Ontario, Canada, L4J 9E1

**Third Inventor: Nigel G. Mills**

Inventor's Signature  Date 12/13/05

Name: Nigel G. Mills  
Residence: 600 Winding Way, Kettering, Ohio, 45419  
Citizenship: U.S.A.  
Post Office Address: 600 Winding Way, Kettering, Ohio, 45419

Fourth Inventor: Mark E. Eberhardt, Jr.

Inventor's Signature Mark E. Eberhardt, Jr. Date DECEMBER 14, 2005

Name: Mark E. Eberhardt, Jr.  
Residence: 1780 Beechwood Drive, Troy, Ohio, 45373  
Citizenship: U.S.A.  
Post Office Address: 1780 Beechwood Drive, Troy, Ohio, 45373

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